

~~March 18, 2003 CPC~~
April 23, 2003 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0208

Bayhill Development Corp.

Matoaca Magisterial District
East line of Otterdale Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12) and amend proffered conditions of Case 02SN0141 relative to density and access on an existing zoned Residential (R-12) tract.

PROPOSED LAND USE:

A single family subdivision with a maximum density of 2.0 units per acre is planned. The proposed R-12 property is to be part of the development planned for the adjacent R-12 tract.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 4.

AYES: MESSRS. GECKER, CUNNINGHAM, GULLEY AND STACK.
ABSENT: MR. LITTON.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

- B. The proposed zoning and land use are representative of existing and anticipated development.
- C. The proffered conditions adequately address the impact of the proposed R-12 tract on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions fully mitigate the impact on capital facilities, thereby ensuring adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- I. The following shall apply to that portion of the property being rezoned to R-12 (Tax ID 710-682-6321):
 - (STAFF/CPC) 1. Public water and wastewater systems shall be used. (U)
 - (STAFF/CPC) 2. In conjunction with recordation of the initial plat, forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 - (STAFF/CPC) 3. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - a) Construction of additional pavement along Otterdale Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - b) Widening/improving the east side of Otterdale Road to an eleven (11) foot travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.

- c) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

(STAFF/CPC) 4. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)

(STAFF/CPC) 5. All residential lots having sole access to Beckenham Subdivision shall have an average area of not less than 51,130 square feet. Such development shall not exceed a density of .77 lots per acre. (P)

(STAFF/CPC) 6. Prior to the issuance of building permit for infrastructure improvements within the service district for the property, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for each dwelling unit provided the foundation of the dwelling unit is totally within, or bisected by, the boundaries of Tax ID 710-682-6321:

- a) \$9000 per dwelling unit, if paid prior to July 1, 2003: or the amount approved by the Board of Supervisors not to exceed \$9000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building cost index between July 1, 2002 and July 1 of the fiscal year in which the payment is made after June 30, 2003.
- b) In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payer. (B&M)

II. The following shall apply to the existing R-12 property (Tax ID 711-681-part of 1949):

(STAFF/CPC) 1. To provide an adequate roadway system, the developer shall be responsible for the following:

- a) Widening/improving the east side of Otterdale Road to an eleven (11) foot travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage. (T)

(Staff Note: Proffered Condition II.1. is in addition to the proffered conditions approved as part of Case 02SN0141.)

III. The following shall apply to the existing R-12 property (Tax ID 711-681- part of 1949) and the proposed R-12 property (Tax ID 710-682-6321):

(STAFF/CPC) 1. Density shall not exceed two (2) units per acre. (P)

(STAFF/CPC) 2. Direct access from the property to Otterdale Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

(Staff Note: Proffered Conditions III.1. and III.2. supersedes Proffered Conditions 3 and 5 of Case 02SN0141.)

GENERAL INFORMATION

Location:

Fronting the east line of Otterdale Road, north of Broadmoor Road and at the southern terminus of Kyloe Lane. Tax IDs 710-682-6321 and 711-681-Part of 1949 (Sheets 9 and 15).

Existing Zoning:

A and R-12

Size:

24.1 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North - A and R-15; Single family residential or vacant
South and West - A; Single family residential or vacant
East - R-15; Vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the southeast side of Otterdale Road, adjacent to the request site. In addition, there is an existing six (6) inch water line along Kyloe Lane in Beckenham Subdivision, which terminates adjacent to the northern boundary of this site. Use of the public water system is intended and has been proffered on that part of the property being rezoned to R-12 (Proffered Condition I.1). Proffered Condition 1 of Case 02SN0141 requires use of the public water on that part of the property currently zoned R-12.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector that terminates adjacent to Appletree Court, in Beckenham Subdivision, approximately 300 feet northeast of the request site. In addition, a thirty-six (36) inch wastewater trunk line is proposed along Deep Creek to serve the Magnolia Green development. Extension of this trunk line will bring the public wastewater system adjacent to the southern boundary of the request site. Use of the public wastewater system is intended and has been proffered on that part of the property being rezoned to R-12 (Proffered Condition I.1.). Proffered Condition 1 of Case 02SN0141 requires use of public water on that part of the property currently zoned R-12.

ENVIRONMENTAL

Drainage and Erosion:

The property drains south directly into Deep Creek and then to Swift Creek Reservoir. There are no existing or anticipated on-site drainage or erosion problems.

Water Quality:

The property is situated in the Upper Swift Creek Reservoir drainage basin and, as such, will be subject to a pro-rata fee for construction of regional BMP's and maintenance fee.

There is a wide, 100-year floodplain and Resource Protection Area (RPA) across the entire southeastern border.

Enhanced floodplains are proposed to the rear of the property along Deep Creek and are part of the overall watershed master plan. At time of subdivision plan review, the developer may be required to construct these facilities.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on two (2) additional dwelling units that will be allowed as a result of this request, this development will generate less than one (1) call for fire and rescue services each year. The applicant has fully addressed the impact on fire service as a result of the rezoning from Agricultural (A) to Residential (R-12). (Proffered Condition I.6.)

The property is currently served by the Waterford Fire/Rescue Station, Company Number 16. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately one (1) student will be generated by the rezoning of that part of the property being rezoned to R-12. This site lies in the Grange Hall Elementary School attendance zone: capacity - 739, enrollment - 570; Swift Creek Middle School zone: capacity - 1,200, enrollment - 1,459; and Clover Hill High School zone: capacity - 1,600, enrollment - 1,984.

This development will have an impact on the middle and high school involved. There are currently eight (8) trailers at Swift Creek Middle and fifteen (15) trailers at Clover Hill High. The applicant has fully addressed the cost of providing for area school needs as a result of the rezoning from Agricultural (A) to Residential (R-12). (Proffered Condition I.6.)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even with the facility improvements that have been made since the adoption of the Plan, there is still an unmet need for additional library space throughout the County.

Development would most likely have an affect on the Clover Hill Library or a proposed new facility in the Genito Road/Powwhite Parkway area. The Plan indicates a need for additional library space in this area of the County. The impact of the rezoning from Agricultural (A) to Residential (R-12) on library facilities has been fully addressed on these facilities. (Proffered Condition I.6.)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to fully assist in addressing the impact of the rezoning from Agricultural (A) to Residential (R-12) on these Parks and Recreation facilities. (Proffered Condition I.6.)

Transportation:

The applicant is requesting rezoning from Agricultural (A) to Residential (R-12) on approximately one (1) acre. This parcel fronts along Otterdale Road. The applicant has also included in this request part of the adjacent parcel, totaling approximately twenty-three (23) acres and currently zoned Residential (R-12), for the purpose of establishing a maximum density and controlling access to Otterdale Road for both parcels. The applicant has submitted: 1) proffers that apply specifically to the development of the one (1) acre parcel; 2) proffers that apply specifically to development of the twenty-three (23) acre R-12 parcel; and 3) proffers that would apply to the development of both parcels.

The twenty-three (23) acres were zoned in 2001 (Case 02SN0141) and are part of a planned subdivision, Otterdale Pointe Subdivision. As part of that zoning approval, the Board of Supervisors accepted several proffers that establish a maximum density, requires right of way dedication, controls access and requires construction of road improvements along Otterdale Road. An existing condition (Proffered Condition 3 of Case 02SN0141) on the twenty-three (23) acres, limits its development to two (2) units per acre. The applicant has proffered that the maximum density of both parcels will also not exceed two (2) units per acre (Proffered Condition III.1). Based on single family trip rates, development of both parcels could generate approximately 460 average daily trips. These vehicles will be distributed along Otterdale Road, which had a 2003 traffic count of 1,059 vehicles per day.

The Thoroughfare Plan identifies Otterdale Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way along the frontage of the one (1) acre parcel, measured from the centerline of Otterdale Road, in accordance with that Plan. (Proffered Condition I.2)

Access to major arterials, such as Otterdale Road, should be controlled. The applicant has proffered that direct access from both parcels to Otterdale Road will be limited to one (1) public road. (Proffered Condition III.2)

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct left and right turn lanes along Otterdale Road at the public road intersection, if

warranted based on Transportation Department standards; and 2) widen the east side of Otterdale Road to a total travel way width of eleven (11) feet measured from the centerline with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder for the entire frontage of both parcels. (Proffered Conditions I.3 and II.1)

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads to accommodate growth. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Otterdale Road will be directly impacted by development of this property. Sections of Otterdale Road have nineteen (19) to twenty (20) foot wide pavement with no shoulders and poor vertical and horizontal alignments. The capacity of this road is acceptable (Level of Service B) for the volume of traffic it currently carries. The standard typical section for this type of roadway should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. No road improvement projects in this area of the County are included in the Six-Year Secondary Road Improvement Plan. The applicant has proffered to contribute cash towards mitigating the traffic impact on area roads in accordance with the Board of Supervisors' Policy. (Proffered Condition I.6)

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	2*	1.00
Population Increase	5.44	2.72
Number of New Students		
Elementary	0.48	0.24
Middle	0.26	0.13
High	0.34	0.17
TOTAL	1.08	0.54
Net Cost for Schools	9,694	4,817
Net Cost for Parks	1,386	693
Net Cost for Libraries	750	375
Net Cost for Fire Stations	802	401
Average Net Cost for Roads	8,218	4,109
TOTAL NET COST	20,850	10,425

*Based on an average actual density of 1.89 units per acre. Actual number of units and corresponding impact may vary.

For that part of the property currently zoned Residential (R-12), proffered conditions were accepted which addressed the impact of that part of this request on capital facilities. (Case 02SN0141, Proffered Condition 2)

As noted, the proposed R-12 zoning will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development.

Consistent with the Board of Supervisors' policy and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of the proposed R-12 zoning on such capital facilities.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers below the value of the maximum acceptable amount.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less.

Area Development Trends:

Property to the north contains a single family residential subdivision development (Beckenham Subdivision) or is zoned Agricultural (A) and occupied by single family residences. Property to the east is zoned for residential development and is currently vacant. Properties to the south and west are zoned Agricultural (A) and are occupied by single family residences or are vacant. Residential development at densities consistent with the Plan is expected to continue in this area.

Zoning History:

On December 19, 2001, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved the rezoning to Residential (R-12) of a twenty-three (23) acre portion of the request property (Case 02SN0141). With approval of Case 02SN0141, proffered conditions were accepted. Certain proffers addressed concerns relative to density and access. This application proposes to amend two (2) of those proffers. Specifically, Proffered Condition 3 of Case 02SN0141, limited the density on that part of the property to two (2) units per acre. Further, Proffered Condition 5 of Case 02SN0141, limited the access

on that part of the property to one (1) direct access from Otterdale Road. With the proposed zoning of the 1.1 acre property, these previous density and access limitations will apply on the overall development, inclusive of the tract zoned by Case 02SN0141. (Proffered Conditions III.1. and III.2.)

Site Design:

Zoning on the existing R-12 property permits forty-six (46) dwelling units, yielding a density of approximately two (2) units per acre. The current request, if approved, would increase the total number of units for the overall development by two (2), to forty-eight (48) units and yield an overall of maximum density of two (2) dwelling units per acre. (Proffered Condition III.1.)

Comparison of Area Lot sizes and Densities:

The request property, together with the existing R-12 tract, abut Beckenham Subdivision to the north which is zoned Residential (R-15) and must comply with (R-15) development standards. Proffered Condition III.2. limits direct access from the property to Otterdale Road to one (1) access. Access to the property could also be provided from Kyloe Lane through Beckenham Subdivision. In an effort to address compatibility with this adjacent development, the applicant has proffered conditions relative to overall average lot sizes and densities comparable to those which exist in Beckenham Subdivision, through which such lots might access. Specifically, the overall average lot size and density for those lots having sole access to Beckenham Subdivision will be a minimum of 51,130 square feet and not exceed .77 lots per acre, respectively.

CONCLUSIONS

The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less and are representative of existing and anticipated development.

The proffered conditions adequately address the impact of the proposed R-12 tract on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions fully mitigate the impact on capital facilities, thereby ensuring adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Given these considerations, approval of the request is recommended.

CASE HISTORY

Applicant (3/17/03):

Revised Proffered Condition I. 6 was submitted.

Planning Commission Meeting (3/18/03):

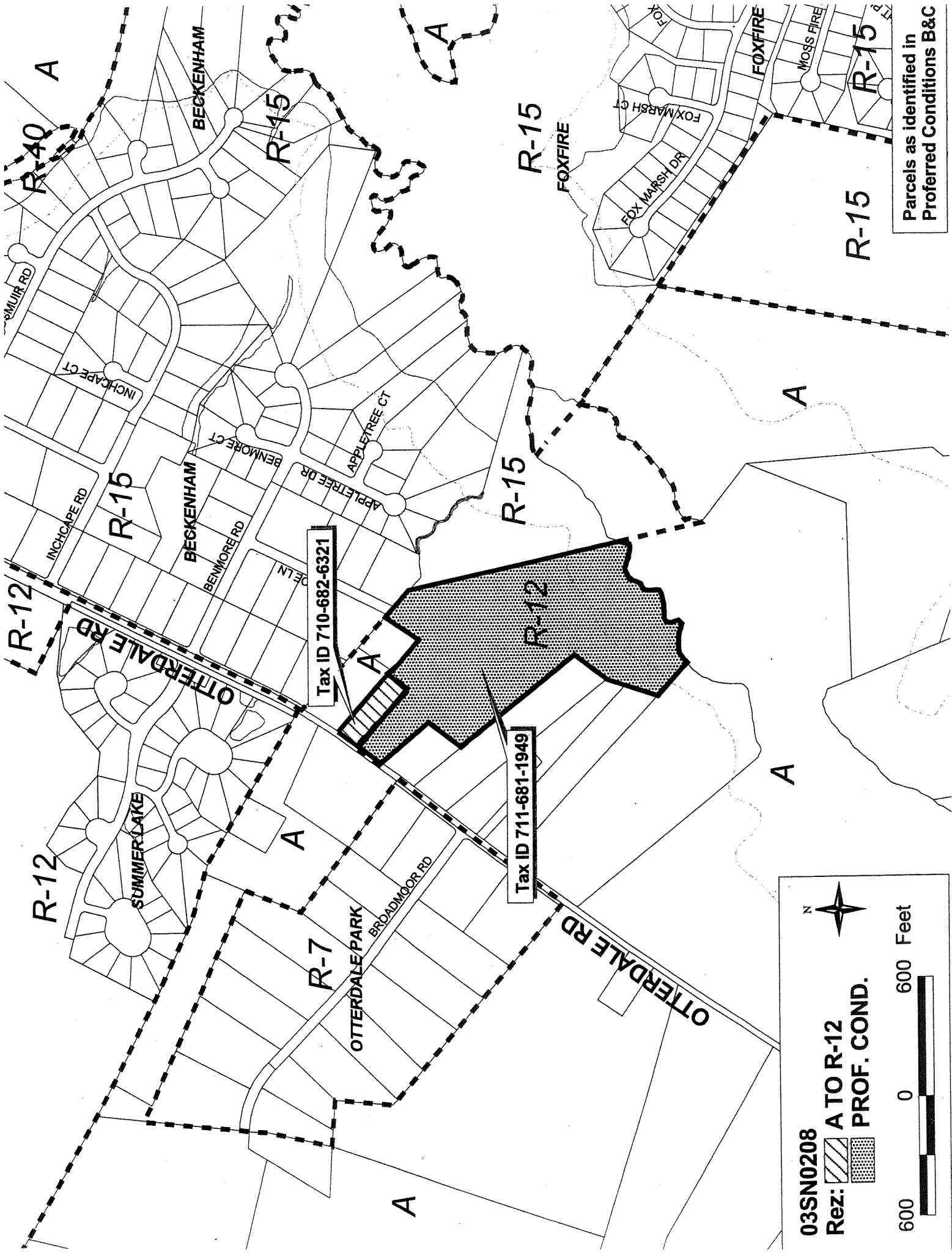
The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 4.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.

ABSENT: Mr. Litton.

The Board of Supervisors, on Wednesday, April 23, 2003, beginning at 7:00 p.m., will take under consideration this request.



03SN0208

Rez:  A TO R-12
 PROF. COND.



Parcels as identified in
Preferred Conditions B&C